

CHAPTER NO.123

SENATE BILL NO. 1321

By Graves, Henry, Fowler

Substituted for: House Bill No. 1331

By Armstrong, McDonald, John DeBerry, Sherry Jones, Hargett, David Davis, Patton,
Briley, Arriola, Ferguson, Overbey, Shepard, Odom, Bittle, Hargrove

AN ACT To amend Tennessee Code Annotated, Title 63, relative to the licensure and scope of practice of psychological examiners and certified psychological assistants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-11-101(b)(3) and (4), are amended by deleting the existing subdivisions in their entirety and by substituting instead the following:

(3) Two (2) members shall be either a licensed psychological examiner or a licensed senior psychological examiner; and

(4) One (1) member shall be a private citizen who is neither a licensed psychologist nor a licensed psychological examiner or licensed senior psychological examiner and who has no professional or commercial interest in the practice of psychology.

SECTION 2. Tennessee Code Annotated, Section 63-11-102(c)(1), is amended by adding "and senior psychological examiner" after the word "examiner" in the third sentence and before the word "members" and by adding the words "and/or senior psychological examiners" at the end of the fourth sentence thereof.

SECTION 3. Tennessee Code Annotated, Section 63-11-103(b), is amended by adding the words "and certificates" after the word "licenses" and before the language ", and".

SECTION 4. Tennessee Code Annotated, Section 63-11-201, is amended by deleting such section in its entirety and by substituting instead the following:

63-11-201. Four (4) levels of psychological practice are defined for the purposes of this chapter. Such levels are to be known and are hereinafter referred to as:

- (1) "Psychological examiner";
- (2) "Senior psychological examiner";
- (3) "Psychologist"; and
- (4) "Certified psychological assistant".

Any and all individuals who engage in the practice of psychology as a psychological examiner, senior psychological examiner or psychologist must possess in full force and virtue a valid license under the provisions of this

chapter. Any person engaged in the practice of psychology as a certified psychological assistant must possess in full force and virtue a valid certificate to practice under the provisions of this chapter.

SECTION 5. Tennessee Code Annotated, Section 63-11-202, is amended by adding the following new subsection:

(c) Those psychological examiners rendering health-related clinical activities or services who have been duly licensed prior to July 1, 1991, who make written request to the board, shall be senior psychological examiners. Those duly licensed psychological examiners rendering health-related clinical activities or services licensed after July 1, 1991, will qualify for senior psychological examiner licensure upon completion of at least five (5) years of applied experience from the date their temporary permit was first issued by the board, and upon completion of two hundred (200) hours of post-licensure continuing education units (distributed by categories according to the November 1997 rules and regulations governing continuing education units). A person practices as a senior psychological examiner within the meaning of this chapter when the person claims to be a senior psychological examiner and/or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology. A senior psychological examiner, while possessing a different scope of practice than a psychologist, shall be considered a health service provider and thereby able to engage in these designated areas of health-related psychological practice without supervision: interviewing or administering and interpreting tests of mental abilities, aptitudes, interests and personality characteristics for such purposes as psychological evaluation or for educational or vocational selection guidance or placement; overall personality appraisal or classification, psychological testing, projective testing, evaluations for disability or vocational purposes; diagnosis of nervous and mental disorders, personality counseling, psychotherapy or personality readjustment techniques.

SECTION 6. Tennessee Code Annotated, Section 63-11-204(b), is amended by adding the phrase "or senior psychological examiner or certified psychological assistant" after the word "examiner" and before the word "who".

SECTION 7. Tennessee Code Annotated, Section 63-11-204(c), is amended by adding the phrase "or senior psychological examiner or certified psychological assistant" after the word "examiner" and before the word "must".

SECTION 8. Tennessee Code Annotated, Section 63-11-205(a), is amended by adding the phrase "or senior psychological examiners or certified psychological assistants" after the word "examiners" and before the colon.

SECTION 9. Tennessee Code Annotated, Section 63-11-205(b), is amended by adding the words "or certified" after the word "licensed" and before the word "under".

SECTION 10. Tennessee Code Annotated, Section 63-11-205(d), is amended by adding the phrase "or senior psychological examiner or certified psychological assistant" after the word "examiner" and before the word "or".

SECTION 11. Tennessee Code Annotated, Section 63-11-206(a), is amended by adding the phrase "or senior psychological examiner or a certificate to practice as a psychological assistant" after the word "psychologist" and before the word "under".

SECTION 12. Tennessee Code Annotated, Section 63-11-206(b), is amended by adding the phrase "or senior psychological examiners or certified psychological assistants":

(1) after the word "examiners" at the end of the first and second sentences of this subsection.

SECTION 13. Tennessee Code Annotated, Section 63-11-206(c), is amended by deleting such subsection in its entirety and by substituting instead the following:

(c)(1) Students of psychology, psychological interns and other persons preparing for the profession of psychological examiner or psychologist or senior psychological examiner or certified psychological assistant may perform as a part of their training the functions in §§ 63-11-202 and 63-11-203, but only under qualified supervision.

(2) A person practices as a "certified psychological assistant" within the meaning of this chapter when the person claims to be a certified psychological assistant and/or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology and only under the direct employment and supervision of either the psychologist employing the certified psychological assistant or the employing community mental health center or state governmental agency. Any and all work performed by a certified psychological assistant is supervised by a psychologist as determined by the board.

SECTION 14. Tennessee Code Annotated, Section 63-11-206(e)(1)(A), is amended by adding the sentence "No temporary permit for a psychological examiner shall be issued for applications received by the board after December 31, 2004." after the first sentence in this subdivision.

SECTION 15. Tennessee Code Annotated, Section 63-11-206(f), is amended by adding the words "or senior psychological examiner as provided in Section 63-11-202 or certified psychological assistant as provided in Section 63-11-206(c)(2) and 63-11-207(f)(g)", after the phrase "Section 63-11-202", and before the language ", nor".

SECTION 16. Tennessee Code Annotated, Section 63-11-206(g), is amended by adding the words "or certified" after the word "licensed" and before the word "under" and by adding the phrase "or as a senior psychological examiner or certified psychological assistant" after the word "psychologist" and before the period (.).

SECTION 17. Tennessee Code Annotated, Section 63-11-207, is amended by adding the following as new subsections:

(d) No new psychological examiner licenses shall be issued for applications received by the board after December 31, 2004.

(e) The discontinued issuance of psychological examiners licenses or the designation of senior psychological examiners shall in no way impair or abridge the right of duly licensed psychological examiners to practice within the scope of their license or to renew their licensure status as required by law.

(f) Any person seeking to practice as a certified psychological assistant in this state shall before it is lawful for such person to practice as a certified

psychological assistant make application to the board through the chair, upon such form and in such manner as shall be adopted and prescribed by the board, including, but not limited to, the proper registration with the board of the supervisor of record for the certified psychological assistant. Unless such person obtains a proper certificate as issued by the board, it is unlawful for a person to practice and if such person practices as a certified psychological assistant without first having obtained a proper certificate, such person has violated the provisions of this chapter.

(g) A candidate for certification shall furnish the board with satisfactory evidence that such candidate:

(1) Is of good moral character;

(2) Is a citizen of the United States;

(3) Is not considered by the board to be engaged in unethical practice;

(4) Has had two (2) academic years of graduate training in psychology, including a master's degree, from an accredited educational institution recognized by the board as maintaining satisfactory standards, or in lieu thereof, such training and experience as the board shall consider equivalent thereto. Such graduate training must include specialized training in psychological assessment, test construction and measurement, the administration and interpretation of psychological testing, interviewing skills, and social history methods. The board may, at its discretion, consider equivalent training and experience when presented by qualified applicants with a master's degree in psychology whose credentials differ slightly than those prescribed in this subsection. However, all applicants must in their graduate training show evidence of supervised practicum experience in the administration and interpretation of psychological testing, assessment procedures, and social history and feedback interviewing techniques as determined by the board in order to fulfill educational requirements for certification.

SECTION 18. Tennessee Code Annotated, Section 63-11-209(a), is amended by adding the words "or certificate" after the word "license" and before the word "shall".

SECTION 19. Tennessee Code Annotated, Section 63-11-210(a), is amended by deleting the phrase "Examination of applicants for a license to practice psychology at either level" and by substituting instead the language "Examination of applicants for a license or certificate to practice psychology".

SECTION 20. Tennessee Code Annotated, Section 63-11-212(b), is amended in the first paragraph by adding the words "or certification" after the word "licensure" and before the word "for".

SECTION 21. Tennessee Code Annotated, Section 63-11-212(b)(1), is amended by adding the words "or certificate" after the word "license" and before the word "for".

SECTION 22. Tennessee Code Annotated, Section 63-11-213, is amended by adding the phrase "or senior psychological examiner or certified psychological assistant" after the word "examiner" and before the word "and".

SECTION 23. Tennessee Code Annotated, Section 63-11-215(a)(1), is amended by adding the words "or certificate" after the word "license" and before the word "to".

SECTION 24. Tennessee Code Annotated, Section 63-11-215(a)(2), is amended by adding the words "or certificate" after the word "license".

SECTION 25. Tennessee Code Annotated, Section 63-11-215(a)(3), is amended by adding the words "or certificate" after the word "license" and before the word "for".

SECTION 26. Tennessee Code Annotated, Section 63-11-215(a)(4), is amended by adding the words "or certified person" after the word "licensee" and before the word "as".

SECTION 27. Tennessee Code Annotated, Section 63-11-215(a)(5), is amended by adding the words "or certificate" after the word "license".

SECTION 28. Tennessee Code Annotated, Section 63-11-215(b)(16), is amended by deleting the phrase "held by the licensee." and by substituting instead the phrase "or certification held by the licensee or certified person."

SECTION 29. Tennessee Code Annotated, Section 63-11-216, is amended by adding the words "or certified person" after the word "licensee" and before the word "under".

SECTION 30. Tennessee Code Annotated, Section 63-11-217, is amended by adding the words "or certification" after the phrase "declining to recommend licensure" and before the language ", or".

SECTION 31. Tennessee Code Annotated, Section 63-11-218(a), is amended by adding the phrase "or senior psychological examiner or certified psychological assistant" after the word "examiner" and before the word "shall" in the first sentence thereof and by adding the words "or certified person" after the word "licensee" and before the word "establish" in the second sentence thereof.

SECTION 32. Tennessee Code Annotated, Section 63-11-218(b)(1), is amended by adding the words "or certified person" after the word "licensee" and before the word "shall" and by adding the words "or certificate" after the word "license" and before the words "of such person".

SECTION 33. Tennessee Code Annotated, Section 63-11-218(b)(2), is amended by adding the words "or certificate" after the phrase "may reinstate such license" and before the word "upon".

SECTION 34. Tennessee Code Annotated, Section 63-11-218(c), is amended by adding the words "or certified" after the phrase "Any person licensed" and before the word "to".

SECTION 35. Tennessee Code Annotated, Section 63-11-218(d), is amended by deleting such subsection in its entirety and by substituting instead the following:

(d) (1) Notwithstanding any provision of this chapter to the contrary, the division, with the approval of the commissioner, shall establish a system of license or certification renewals at alternative intervals which will allow for the distribution of the license or certification workload as uniformly as


is practicable throughout the calendar year. Licenses or certificates issued under the alternative method are valid for twenty-four (24) months, and shall expire on the last day of the last month of the license or certification period. However, during a transition period, or at any time thereafter, when the board shall determine that the volume of work for any given interval is unduly burdensome or costly, either the licenses or certificates or renewals, or both of them, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license or certificate under the alternative interval method for a period of other than twenty-four (24) months shall be proportionate to the annual fee and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (\$0.25).

(2) No renewal application will be accepted after the last day of the month following the license or certification expiration date under the alternative method authorized in this subsection.


SECTION 36. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 23, 2001


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 26th day of April 2001


DON SUNDQUIST, GOVERNOR